



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 1176-00

16 June 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: FORMER [REDACTED],
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that her naval record be corrected to show that he received a reenlistment code other than RE-4.

2. The Board, consisting of Ms. LeBlanc and Messrs. Caron and Milner reviewed Petitioner's allegations of error and injustice on 8 June 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner served on active duty in the Navy from 16 July to 7 August 1996, when he was discharged for failing to meet minimum physical standards for enlistment. He was assigned a reenlistment code of RE-4, to indicate that he was not eligible or recommended for reenlistment.

e. BUPERS Instruction 1900.8, 28 June 1993, provides, in part, that a service member discharged by reason of erroneous enlistment due to failure to meet procurement medical fitness standards may be assigned a reenlistment code of RE-3E or RE-4, as determined by the commanding officer.

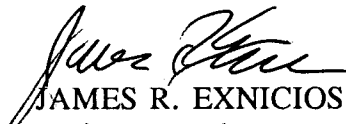
CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that an RE-4 reenlistment code was unduly harsh in this case, as there is no indication in the available records that Petitioner committed any acts of misconduct during his enlistment, or that he was unfit for further service for any reason other than his medical condition. Accordingly, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

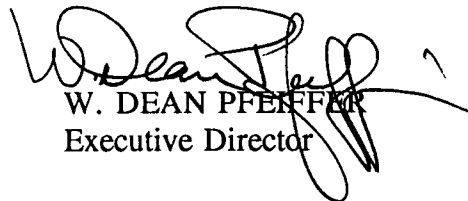
- a. That Petitioner's naval record be corrected to show that he was assigned a reenlistment code of RE-3E when discharged from the Navy on 7 August 1996.
 - b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



JAMES R. EXNICIOS
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEFFER
Executive Director